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**UNITED STATES DISTRICT COURT****NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO,  
individually and on behalf of themselves and  
all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**SECOND SUPPLEMENTAL  
DECLARATION OF MARTIN ŠRÁMEK  
IN RESPONSE TO MAY 20, 2022 ORDER**

Referral: Hon. Susan van Keulen, USMJ

1 I, Martin Šrámek, declare as follows:

2 1. I am the Privacy Working Group lead for Chrome. I have been employed at Google  
3 since October 2014, and I have worked on issues related to Chrome privacy for the duration of my  
4 tenure. I make this declaration based on personal knowledge and information provided to me by  
5 Google colleagues and, if called to testify, I could and would competently testify to such facts.

6 2. I understand that the Court ordered that “Google must provide Plaintiffs with a  
7 representation in writing no later than May 31, 2022 that other than the logs identified thus far as  
8 containing Incognito-detection bits, no other such logs exist.” Dkt. 588 at 6.

9 3. Pursuant to the Court’s order, I submitted a declaration on May 31, 2022 identifying  
10 ■ logs that contain the Incognito-detection bits. That declaration noted that “[t]he investigation  
11 for purposes of complying with the Court’s order began on May 23, 2022. The investigation is  
12 ongoing and should be completed within the next two weeks, by June 14, 2022,” and I “reserve[d]  
13 the right to supplement my attestation with any additional finding resulting from this continued  
14 investigation.” Dkt. 614-3 ¶ 5.

15 4. On June 14, 2022, I submitted a supplemental declaration describing the results of  
16 the three-week investigation and identifying ■ additional logs that included the Incognito-  
17 detection bits, including ■ logs auto-populated with the “maybe\_chrome\_incognito” bit and ■  
18 ■ log with the “is\_chrome\_non\_incognito\_mode” bit. Dkt. 614-2.

19 5. The three-week investigation referenced in my May 31, 2022 declaration and June  
20 14, 2022 declaration entailed me supervising three Google employees conducting: (i) source code  
21 review; (ii) logs analysis; (iii) surveys of 125 teams identified as owners of Google source code;  
22 and (iv) follow-up interviews with 18 Google teams located across the globe. Before conducting  
23 this additional investigation, my team reviewed the scope of Google’s previous investigation of  
24 logs into which the Incognito-detection bits were written, including the data sources reviewed and  
25 the roster of employees interviewed.

26 6. Based on the investigation referenced in paragraph 5, other than the logs identified  
27 in my May 31, 2022 declaration and in my June 14, 2022 declaration, no other logs exist containing  
28 the Incognito-detection bits referenced in the May 20, 2022 Order.

1           7. As explained in my first declaration (Dkt. 614-3), I could not provide the Court's  
2 ordered attestation on May 31, 2022 because the investigation was not yet complete. I did not  
3 provide the Court's ordered attestation on June 14, 2022 because I understood the Court's order  
4 required me to attest that there are no other data sources at Google in which any field is used by  
5 any team to infer Incognito browser state in any form. To provide such a declaration, multiple  
6 months-long investigations would have been required. However, I understand now that the Court  
7 seeks affirmation only for the data sources with the following three fields: "is\_chrome\_incognito";  
8 "is\_chrome\_non\_incognito\_mode"; and "maybe\_chrome\_incognito." Dkt. 624 at 2; Dkt. 588 ¶ 13.  
9 Based on this understanding and the investigation I oversaw, I can therefore now provide the  
10 attestation set forth in paragraph 6, above.

11           8. I understand that Plaintiffs have alleged that additional logs identified in my June 14,  
12 2022 declaration show that Google joins the unauthenticated private browsing data at issue in this  
13 case with authenticated data.

14           9. It is Google's policy to (i) only write data to authenticated log sources (also referred  
15 to as personal logs, or p-logs) if a user is signed into their Google account and (ii) not correlate  
16 authenticated (GAIA) and non-authenticated (*e.g.* Biscotti, Zwieback) logs data.

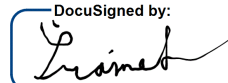
17           10. Out of the joined logs identified in my June 14, 2022 declaration, only the  
18 [REDACTED] contains data keyed to authenticated identifiers as  
19 well as data keyed to unauthenticated identifiers. I explained in my June 14, 2022 declaration:

20           The log [REDACTED] contains joined information  
21 from [REDACTED], [REDACTED], [REDACTED]  
22 [REDACTED], [REDACTED], [REDACTED]  
23 [REDACTED], and [REDACTED]  
24 [REDACTED], all of which were previously disclosed by Google.  
25 Dkt. 614-2 ¶ 13. I have confirmed with the Google engineer that wrote the code for, and  
26 implemented, the [REDACTED] log, that all of the joins in this log  
27 are either from **authenticated to authenticated** log sources ([REDACTED];  
28 [REDACTED]; [REDACTED]) or

1 from **unauthenticated** to **unauthenticated** log sources ([REDACTED]; [REDACTED]  
2 [REDACTED]; [REDACTED]), but none are from  
3 **unauthenticated to authenticated** log sources, or vice versa. The other [REDACTED] joined logs identified  
4 in my June 14, 2022 declaration are either keyed to authenticated identifiers or to unauthenticated  
5 identifiers: log [REDACTED] is not keyed to authenticated identifiers;  
6 logs [REDACTED], [REDACTED]  
7 [REDACTED], and [REDACTED]  
8 [REDACTED] are keyed to authenticated identifiers.

9  
10 I declare under penalty of perjury of the laws of the United States of America that the  
11 foregoing is true and correct.

12 Executed on the 18<sup>th</sup> day of August 2022 at Munich, Germany.

13 DocuSigned by:  
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15 67CCD19CC3FB482...  
16 Martin Sramek  
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